

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

No. CV 08-0854 JH/WDS
CR 08-0489 JH

FRANCISCO LEON-CELAYO,


Defendant.

ORDER

THIS MATTER came before the Court on Petitioner's Motion to Vacate, Set Aside, or Correct Sentence filed under 28 U.S.C. § 2255. (Document No. 1) Respondent filed a response in opposition to the motion. (Document No. 6) Having reviewed the record de novo and considered the United States Magistrate Judge's Proposed Findings and Recommended Disposition, to which Petitioner did not file objections, and being otherwise fully advised, I find that the Motion to Vacate, Set Aside, or Correct Sentence should be denied.

WHEREFORE, IT IS ORDERED that the findings and recommendations of the United States Magistrate Judge are adopted.

IT IS FURTHER ORDERED that Petitioner's Motion to Vacate, Set Aside, or Correct Sentence filed under 28 U.S.C. § 2255 is **DENIED** and this matter is dismissed with prejudice.



JUDITH C. HERRERA
United States District Judge